

REMARKS

Claims 1-48 are pending in the application and are subject to a restriction requirement. The claims of Group I are said to be classified as class 405, subclass 100. The claims of Group II are said to be classified as class 405, subclass 99. The office states that Group I and Group II are subcombinations that are usable together in a single condition. The office further asserts that the subcombinations are separately usable because the claimed boss of Group II provides separate utility. The Applicant traverses the restriction requirement.

According to MPEP § 803, the two criteria for a proper requirement for a restriction, are that the inventions must be independent or distinct as claimed, and that there must be a serious burden on the Examiner. It is noted that the requirement of a serious burden on the Examiner may be *prima facie* shown if the claims at issue have separate classifications. This *prima facie* showing, of course, may be rebutted by any appropriate showing by the Applicants.

In this case, even though the two Groups may be assigned to different subclasses, any burden on the Examiner in this particular case would be minimal. Both subclasses 99 and 100 relate to Fluid Control, Treatment, or Containment (subclass 52) and its Flow Control (subclass 80). Subclass 99 relates to swivel and is indented under subclass 80. Subclass 100 is indented under subclass 99 and further in as the swivel to be about longitudinal axis. As such, the proported class structures are closely related.

There is nothing in the independent claims of Group I to suggest that the angle adjustment must be about the longitudinal axis. In fact, the Group I claims are broader in scope than the Group II claims. The groups are not believed to be independent or distinct.

It is further noted that the requirement of a boss, as claimed in the Group II claims, is not a separate utility for the claimed invention. Instead, these claims reiterate a further limitation of the adjustment feature as related in the Group I claims. The details of the adjustment feature do not require or suggest a different utility for the claimed coupler.

Application No.: 1652.2003-003

-3-

Because the field of search between the two groups would be substantially similar, if not identical, the two groups should be rejoined

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

Rodney D. Johnson

Registration No. 36,558

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: July 19, 2004